

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FAZL MUGHNI,	:	NO. 1:11-CV-18
	:	
Plaintiff,	:	
	:	
v.	:	OPINION AND ORDER
	:	
MICHAEL J. ASTRUE,	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's November 16, 2011 Report and Recommendation (doc. 20), to which no objections were filed. For the reasons indicated herein, the Court AFFIRMS and ADOPTS the Magistrate Judge's Report and Recommendation, AFFIRMS the decision of the Commissioner of Social Security denying Plaintiff's application for supplemental security income, and DISMISSES this case from the Court's docket.

The procedural and factual background of this case are fully detailed in the Magistrate Judge's Report and Recommendation, and the Court will not reiterate it here. In brief, however, Plaintiff applied for supplemental security income on February 11, 2008, alleging disability since October 7, 2004 because of a brain tumor, herniated disc, torn rotator cuff, and stroke (doc. 20 at 1). On May 10, 2010, following a hearing at which he was represented by counsel, the Administrative Law Judge ("ALJ") issued a decision denying Plaintiff's application, a determination that he subsequently appealed without success (*id.* at 1-3). Plaintiff then

sought review from this Court. The Magistrate Judge reviewed the record quite carefully and completely and, in her November 16 Report and Recommendation, concluded that the ALJ had not erred in weighing the medical opinions (particularly that of Plaintiff's treating psychiatrist, Jonathan Rosenthal, M.D.) and in determining that Plaintiff does not have an impairment that meets or equals those specified within the Listing of Impairments, 20 C.F.R. Part 404, Subpart P, Appendix 1; in assessing negatively Plaintiff's credibility; and in relying on the testimony of Vocational Expert Mark Pinti. To the contrary, she found that substantial evidence within the administrative record supported the ALJ's decision, requiring her to recommend that it be affirmed. Key v. Callahan, 109 F.3d 270, 273 (6th Cir. 1997).

No objections to the Report and Recommendation of the Magistrate Judge were filed, and the Court finds no clear error in the record. See Advisory Committee Notes to Fed. R. Civ. P. 72; Thomas v. Arn, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). Quite the opposite, the Court finds the Magistrate Judge's Report and Recommendation well-reasoned, thorough, and correct. While we are sympathetic to the sad circumstance in which Plaintiff finds himself, we note that he is no stranger to the system, having been denied disability benefits eight times before filing the instant

application for supplemental security income (see doc. 20 at n.1). Further, at least in the case at bar, Plaintiff has been represented by, and thus has had the advantage of, legal counsel. Accordingly, this Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 20) and therefore AFFIRMS the decision of the Commissioner of Social Security to deny Plaintiff's application for supplemental security income. Plaintiff's cause of action brought before this Court pursuant to 42 U.S.C. § 405(g) is hereby DISMISSED.

SO ORDERED.

Dated: December 13, 2011

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge